VZCZCXRO1533
RR RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #2658/01 2330312
ZNY CCCCC ZZH
R 200312Z AUG 08
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC 8949
INFO RUCNRAQ/IRAQ COLLECTIVE
RUEKJCS/JOINT STAFF WASHDC
RUEKJCS/SECDEF WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RHEHAAA/WHITE HOUSE WASHINGTON DC
RHMFISS/FBI WASHINGTON DC
RHMFISS/HQ USCENTCOM MACDILL AFB FL

C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002658

SIPDIS

E.O. 12958: DECL: 08/19/2028
TAGS: PHUM PINS KJUS IZ
SUBJECT: MEK ASSURANCES RECEIVED FROM THE GOVERNMENT OF IRAQ

REF: A. STATE 076032
¶B. BAGHDAD 2301

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d)

¶1. (C) On August 18, the Ministry of Foreign Affairs (MOFA) provided a Diplomatic Note (text at para 3) regarding assurances of humane treatment for Mujahedin e-Khalq residents of Camp Ashraf, in response to our diplomatic note dated July 18 (ref B). The assurances are nearly identical to the reply language proposed by the United States (ref A), with the following notable exceptions:

- The reply omitted text referencing GOI adherence to its obligations under the International Covenant on Civil and Political Rights (ICCPR).

- The reply did not directly stipulate access to Camp Ashraf by a "mutually agreed third party."

- The noted was incorrectly dated April 14 (4/4/2008) vice August 14 (14/8/2008).

¶2. (C) Embassy Legal Comment: We consider these omissions immaterial. As regards the ICCPR, the GOI agreed to treat the residents of Camp Ashraf in accordance with Iraq's international obligations, necessarily including its obligations under the ICCPR. In addition, although the GOI did not directly agree to permit a "mutually agreed third party" access to Camp Ashraf, it did agree to "allow a competent international organization" to assist the residents of Camp Ashraf and to verify their humane treatment. More broadly, the GOI stated that it "completely agrees with all understandings stated in the Embassy Dip. Note concerning all residents in Ashraf Camp and would like to emphasize the following." The GOI, therefore, explicitly accepted all of the assurances sought by the United States, and merely highlighted certain points for emphasis. Any omissions, therefore, should be irrelevant to the undertakings accepted by the GOI. The incorrect month (April vice August) on the serialized diplomatic note should have no bearing on its validity. End comment.

¶3. (C) Our next step will be to engage UNHCR to assist in monitoring the status of the residents.

¶4. (SBU) Translated text follows:

Republic of Iraq
Ministry of Foreign Affairs
Legal Department
No: 1/P/11/Special
Date: April (sic) 14, 2008

The Ministry of Foreign Affairs of the Republic of Iraq presents its greetings to the Embassy of the United States of America in Baghdad and has the honor to notify the Embassy that the MOFA has received Embassy Dip. Note No. 2008 dated on July 18, 2008, concerning turning over the security responsibility for Mujahedin e-Khalq members who reside in Ashraf Camp.

The MOFA would like to stress that the Government of Iraq completely agrees with all understandings stated in the Embassy Dip. Note concerning all residents in Ashraf Camp and would like to emphasize the following:

When the MNF-I mandate ends, or even before that, and when the Iraqi and U.S. governments reach an agreement, the Iraqi Government will take over security responsibility for the residents in Ashraf Camp.

The Iraqi Government will treat the residents in Ashraf Camp humanly in accordance with the Constitution, local laws and international obligations of Iraq.

The Iraqi Government is committed not to transfer any of the residents (males or females) of Ashraf camp to any other country for fear of being subjected to oppression because of their political views or religious beliefs. The Iraqi Government will not also expel, extradite or hand over any of the residents in Ashraf Camp to any other country in which there are grounds to believe that any of them will be subjected to torture or oppression. Upon request, the Iraqi Government will grant the representatives of the U.S.

Government a chance to visit the residents in Ashraf Camp to verify the guarantees given to treat the residents of Ashraf Camp humanly.

The Government of Iraq will regulate and allow a competent international organization to organize the demands of the residents in Ashraf Camp who are afraid of oppression or torture in a third country to verify the correctness of the guarantees procedures.

The Ministry avails itself of the opportunity to express its highest appreciation and respect.

//Stamped//
Ministry of Foreign Affairs
Protocol Department
Embassy of the United States of America / Baghdad

¶5. (U) We will report recent developments and next steps via SEPTEL.
CROCKER